

With respect to the informalities noted at the top of page 2 of the Office Action, Applicants believe that these all have been dealt with. Thus, the status of the parent application has been updated on page 1 of the specification. Claims 3, 4, 13 and 14 have been canceled, although Applicants reserve the right to prosecute the subject matter of the canceled claims in one or more divisional applications. Finally, claim 10 is replaced by new main claim 15, which is believed to be in a form that would be acceptable to the Examiner.

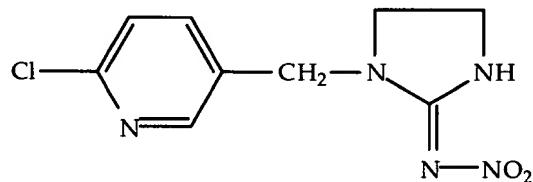
The only substantive issue is the rejection of claims 2-5 and 10-12 under 35 USC § 103(a) as being obvious over Kristiansen, Shiokawa, Elbert and the Derwent Abstract of JP 3 279 389. In response, Applicants point out that during the prosecution of the parent application, Applicants presented two declarations executed by inventor Dr. Hubert Dorn. The first was submitted as an attachment to the amendment dated August 20, 1996. The second was submitted as an attachment to the letter dated April 7, 1997, and was discussed with the Examiner during the interview held April 8, 1997. Since this application is a filewrapper continuation of the parent application, those two declarations are already of record here.

In the last sentence on page 2 of the Office Action dated October 7, 1996, the Examiner indicated that the first Dorn declaration was insufficient to overcome this rejection because the declaration was not commensurate in scope with the claims. However, Applicants point out that claim 12 is drawn to the single species imidacloprid, which was tested in the first Dorn declaration, and therefore claim 12

should have been indicated as being allowable. Therefore, Applicants would appreciate an indication that claim 12 has been allowed.

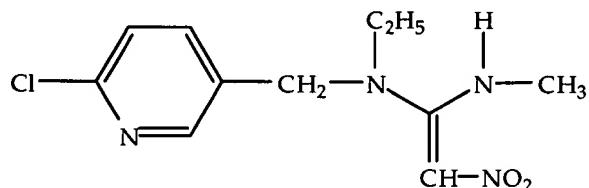
With respect to the remaining claims, Applicants have since then filed the second Dorn declaration, which extends the results of the first Dorn declaration. In addition, Applicants have drastically limited the claims so as to be reasonably commensurate in scope with both Dorn declarations. The claims are now limited to a relatively narrow subgenus of compounds close structurally to the elected species.

The first Dorn declaration established that non-systemic application of imidacloprid of the formula:

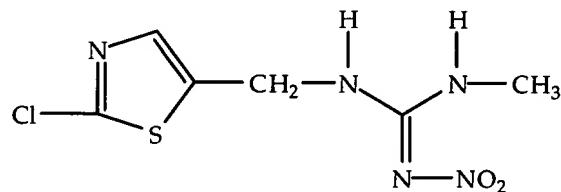


was effective to combat fleas on both dogs and cats.

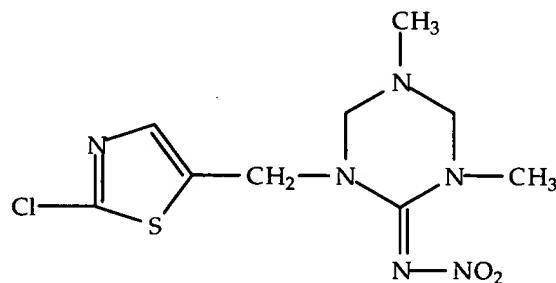
The second Dorn declaration established that non-systemic application of three compounds structurally related to imidacloprid, namely Ti 304 of the formula:



Ti 435 of the formula:



and AKD 1022 of the formula:



all were effective to combat fleas on cats.

Applicants submit that these examples provide reasonable assurance that the entire scope of main claim 15 is similarly useful. Consequently, the new claims are believed to be reasonably commensurate in scope with the data, and therefore the Examiner would be fully justified to allow the application in its present form. In any case, claim 12 and new claim 16 should be allowable.

Applicants believe the foregoing constitutes a full and complete response to all outstanding objections and rejections.

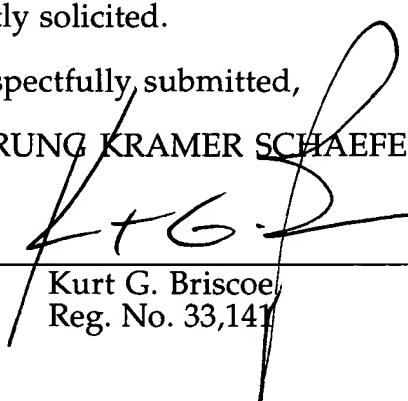
HUBERT DORN ET AL.  
USSN 08/925,372

Early and favorable action is earnestly solicited.

Respectfully submitted,

SPRUNG KRAMER SCHAEFER & BRISCOE

By

  
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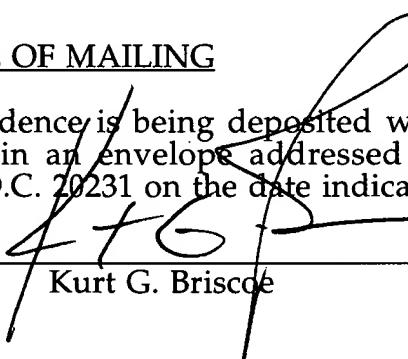
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below:

Date May 19, 1998

By

  
Kurt G. Briscoe